

CIVIL DOCKET

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74-C-142

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS				
<p>FRED RIZK,</p> <p>vs.</p> <p>THE HANSON DEVELOPMENT COMPANY and F. W. WOOLWORTH COMPANY</p> <p>THORNTON ASSOCIATES, CROSSTOWN ASSOCIATES, and B. FRANCIS SAUL, II, and GARLAND J. BLOOM, JR., TRUSTEES OF THE B. F. SAUL REAL ESTATE INVESTMENT TRUST, Addit. Parties Defendant</p> <p>Maurice Ferris, Third Party Defendant.</p> <p>For Deft.: Monty L. Bratcher (Saul, et al) 17th Floor, Liberty Tower Okla. City, Okla. 73102 William Bradford Reynolds 910 17th Street, N.W. Washington, D. C. 20006</p>		<p>For plaintiff: John Moricoli H. B. Watson, Jr. <i>231-1111</i> 1220 Liberty Tower Oklahoma City, Oklahoma 73102</p> <p>For defendant: R. B. McDermott (Woolworth) <i>587-1145</i> 1300 N.B.T. Bldg. Tulsa, OK 74103 <i>Raymond T. Murrah</i> DAVID, HARDY, IVES & LAWTHORP (Woolworth) 2 Broadway New York, New York 10004 Wm. C. Anderson (Hanson) <i>(Thornton & Doerner, Stuart, etc. Crosstown)</i> 1200 Atlas Life Bldg. Tulsa 74103 (585-5541) <i>582-1211</i> Alfred P. Murrah, Jr. (Hanson) <i>(Thornton & Doerner, Stuart, etc. Crosstown)</i> 1600 Midland Center Bldg. Okla. City 73102 (405-272-9241) <i>260-1000</i></p>				
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed <i>4-1-74</i>	Clerk	3/25/74	Watson etc.	1500		
		3/28/74	C/D #38		15 00	
J.S. 6 mailed <i>2-1-77</i>	Marshal					
Basis of Action: Breach of Contract & Acct. of Funds	Docket fee					
	Witness fees					
Action arose at:	Depositions					

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-25-74	1. COMPLAINT filed, SUMMONS, issued.jj	
3-28-74	Summons, ret. & filed: served The Hanson Development Co., Hackensack, N.J., and F. W. Woolworth Co., N.Y., N.Y., 3-26-74. (USM \$8.00)g	
4-17-74	2. Appl. for additional time to plead or ans. and <u>ORDER</u> granting Deft. F. W. Woolworth Co. until 4-30-74 to ans. (JCS-CC)v	
4-29-74	3. <u>ANSWER</u> of deft F. W. Woolworth Co., filed. e of def. Hanson Dev. (5-20-74)	
5-17-74	4. APPLICATION/for Permission to File Ans. out of time/ filed.jj O to J	
5-20-74	5. Order, filed, granting def. Hanson Devl. leave to file its Answer out of time. (AEB-J)rm - copies mailed	
5-20-74	6. <u>ANSWER</u> of def. Hanson Dev., filed. rm	
5-20-74	7. Order, filed, permitting def. Woolworth leave to file amended answer and counterclaim. (AEB-J)rm - copies mailed	
5-20-74	8. <u>AMENDED ANSWER</u> of def. Woolworth, and <u>COUNTERCLAIM</u> against pltf. and <u>CROSSCLAIM</u> against def. Hanson, filed. rm	
8-9-74	MO: Case set for disposition on 8-27-74 at 10:00 a.m. for failure of pltf. to reply to counterclaim of def. Woolworth; & failure of deft. Hanson to answer crossclaim of def. Woolworth. (AEB-J) copies mailed.k	
8-21-74	9. Pltf's application for permission to file reply to counterclaim for interpleader of deft. F. W. Woolworth Co. out of time, filed.hm <i>advancing in file</i>	
✓8-23-74	10. Notice to take depositions of Donald L. Hanson and Alan L. Zell on 9-19-74, filed. g	
8-23-74	11. Notice to take depositions of R. C. Ladd, W. B. Watt and Joe Marziotti on 9-20-74, filed. g	
8-23-74	MO: <i>Order by the Court</i> Case stricken from docket of 8-27-74; Pltf. to reply to counterclaim of deft. Woolworth; Deft. Hanson to answer crossclaim of Deft. Woolworth within 15 days, (9-7-74) (AEB-J)b <i>partially notified by phone</i>	
8-27-74	12. ORDER by Court that appli. of pltf. be granted to file reply out of time, filed. lm	
8-27-74	13. Pltf's Reply to Deft., F.W. Woolworth Co.'s Counterclaim for Interpleader, filed. lm	
8-27-74	14. Ans. of deft, The Hanson Development Co., to the Cross Claim for Interpleader by the Deft, F.W. Woolworth Co., filed. lm	
9-4-74	MO: Parties are directed to hold a pre trial conference on or before 10-16-74 & file PT order on or before 10-23-74. (AEB-J)k copies sent by certified mail	
9-13-74	15. Motion for protective order of deft. Hanson, filed. hm <i>given to FD for disp.</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-17-74	16. Ordered, that, depositions of Donald L. Hanson, Monroe Bober and Alan L. Zell now scheduled to be taken at 1:30 P.M. EST on 9-19-74 at Hackensack, N.J., are continued until 10-7-74 at 1:30 P.M. or to any date thereafter agreed to by counsel. (FD-J for AEB-J)jj copies mailed	
9-17-74	17. Application for order for leave to join additional party deft. filed by pltf. k o to J	
10-16-74	18. APPLICATION of pltf. for Order Extending Time for PT, filed.jj	
10-16-74	19. ORDER, filed, granting extension of time for completion of PT until 11-10-74 and PT Order to be presented to Court for approval not later than 11-15-74. (JCS-Clk)jj copies mailed	
10-17-74	20. Notice to take depositions upon oral examination of Wm. Scully and Jerry C. Tobin, filed. v	
10-23-74	21. Motion for protective order of deft. Hanson Development Co., filed. hm	
10-23-74	22. Brief in support of motion for protective order by the deft. The Hanson Development Company, filed. hm	
10-23-74	Ordered by the Court that the pltf. file a responsive brief within 10 days to the motion for protective order of deft. Hanson Development Company. (AEB-J)hm	
11-1-74	23. Application for Order for Leave to Join Additional Party Defendants, filed by pltf.k	
11-1-74	24. Response of pltf. to deft's brief in support of its Motion for Protective Order, filed.k	
11-1-74	MO: It is ordered by the Court that defts. are granted 10 days to respond to pltf's appl for Order to Join add. party deft. (AEB-J)k	cpd ld
11-4-74	25. Response of F.W. Woolworth Co. to Pltf's Appli. for Leave to Join Additional Parties Deft., filed. lm	
11-7-74	26. Appl. of Pltf. for Order extending Pre-Trial, filed.k o to J	
11-7-74	27. Order to join additional party deft., filed, adding THORNTON ASSOCIATES as an addit. party deft., and that pltf. file an amended complaint within 20 days, that summons be issued with copy of amended complaint and copy of this order within 20 days. (AEB-J)hm (copies mailed)	
11-7-74	28. Order joining additional party defendants, filed, adding CROSSTOWN ASSOCIATES, and B. FRANCIS SAUL, II, and GARLAND J. BLOOM, JR., TRUSTEES OF THE B. F. SAUL REAL ESTATE INVESTMENT TRUST as addit. party defts, and that pltf. file an amended complaint within 20 days, that summons be issued with copy of amended complaint and copy of this order within 20 days. (AEB-J)hm (copies mailed)	(over)

DATE	PROCEEDINGS	Date Order or Judgment Note
11-8-74	29. Affidavit in Support of Motion for Protective Order, filed by pltf. k	
11-8-74	30. Order, filed, extending time for completion of pretrial no later than 2-6-75 & a pretrial order presented to Court no later than 2-13-75. (AEB-J)v -copies mailed this date.	
11-11-74	31. Response of the Hanson Devel. Co. to Pltf's Application for Order for Leave to Join Additional Pty Defts.	
11-27-74	32. Amended Complaint, filed. v -summons issued.	
12-5-74	33. Order, filed, Overruling the Mtn. for Protective Order Filed by the Deft., the Hanson Development Company. (AEB-J)jj copies mailed	
12-6-74	34. Notice to take depositions upon oral examination, filed. hm	
12-9-74	35. Application of deft. Woolworth for addl. time to plead to amended complaint, filed. g	
12-9-74	36. Order, filed, granting deft. F. W. Woolworth Co. until 12-30-74 to respond to amended complaint. (AEB-J)g	
12-10-74	37. APPLICATION for enlargement of time within which to file answer to Amended Complaint, filed. lm	
12-10-74	38. BRIEF in support of appli. for enlargement of time, filed. oty	
12-11-74	39. Order, filed, granting The Hanson Development Co. until 1-2-75 to answer amended complaint. (AEB-J)g	
12-12-74	Return on U.S. Marshals Service, Summons & Order, filed. Served Thornton Associates in New Jersey on 12-5-74 with fees of \$8.00. Served Crosstown Associates in New Jersey on 12-5-74 with fees of \$8.00. Served B. F. Saul Real Estate Investment Trust by serving Garland S. Bloon, Jr. in Maryland on 12-5-74 with fees of \$16.40. v	
12-26-74	40. Answer of defts. Hanson Devp. Co., Thornton Associates & Crosstown Associates to amended complaint, and counterclaim & third party complaint of defts. Hanson Devp. Co., Thornton Associates & Crosstown Associates, filed. (Summons issued on 3rd-pty deft. Maurice Ferris)hm	
12-30-74	41. Deft. F. W. Woolworth Co.'s ans. to amended complaint, filed. w/ Counterclaim for interpleader against pltf. & cross-claim for interpleader against defts. The Hanson Development Co., Thornton Associates, Crosstown Assoc., & the B. F. Saul Real Estate Investment Trust, filed.k	
1-15-75	Motion for summary judgment and alternative motion for addition of party plaintiff, filed. ds	
1-15-75	Brief in support of the Hanson Development Company's motion for summary judgment and alternative motion for additional party plaintiff, filed. ds	
1-15-75	Ordered by the Court that plaintiff respond to defendant's brief in ten days. (AEB-J) ds	

(contd.)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-17-75	Appl. of pltf. for ext of time to reply to counterclaims of defs., F. W. Woolworth, Hanson Devl., Thornton Assoc. & Crosstown Assoc., filed. rm <i>o to g</i>	
1-20-75	Return on service of summons filed. Served Maurice Ferris on 1-11-74, at Oklahoma City, Oklahoma. \$10.24 ds	
1-20-75	Answer of defts. The Hanson Development Co., Thornton Assoc. & Crosstown Assoc. to crossclaim for interpleader by deft. F. W. Woolworth Co., filed.k	
1-21-75	Order, filed, granting additional time in which to reply to counterclaims of defts. until 2-15-75 by pltf. (AEB-J)k cps mld	
1-22-75	Order, filed, transferring case to Judge H. Dale Cook. (AEB-J)k	
1-24-75	Pltf's response to the Hanson Devp. Co's motion for S/J & alternative motion for additional party pltf., filed. hm	
1-27-75	Answer of B. Francis Saul, II and Garland J. Bloom, Jr. Trustees of the B. F. Saul Real Estate Investment Trust to plaintiff's amended complaint, filed. ds (Permission granted by Judge Cook to file out of time endorsed on pleading.)	
1-27-75	Appl. of Deft. the Hanson Development Co. for permission to file reply brief in support of its mot. for summary judgment and alternative mot. for addition of party pltf., filed. v (o)	
1-28-75	Order, filed, granting def. Hanson Dev. to 2/6/75 to file reply brief in support of its mo/SJ and mo/add party pltf. (HDC-J)rm-copies md.	
2-4-75	APPL. of pltf. for order extending time for pre-trial, filed. lm <i>o to g</i>	
2-4-75	Order striking pre-trial, filed, striking PT conference, to be reset by the Court. (HDC-J)hm (copies mailed)	
2-5-75	Reply Brief of the Hanson Develop. Company, Thornton Assoc. & Crosstown Assoc. to Pltf's Response to Motion for Summary Judgment, filed. b	
2-6-75	Depositions of W. B. Watt, R. C. Ladd and J. F. Marziotti, taken on behalf of pltf., filed. g	
2-14-75	APPL. for Ext. of Time to Reply to Counterclaims advanced by defts., F.W. Woolworth Co., Hanson Devel. Co., Thornton Associates & Crosstown Associates, filed. <i>o to J</i>	
2-18-75	Order granting addit. time in which to reply to counterclaims advanced by defts. Woolworth, Hanson Devp., Thornton Assoc. & Crosstown Assoc., filed, granting pltf. until 3-3-75 to file reply. (HDC-J)hm (copies mailed)	
3-3-75	Reply of pltf. to deft. Woolworth's counterclaim for interpleader, filed. g	
3-3-75	Reply of pltf. to defts. Hanson Development Co., Thornton Assocs. & Crosstown Assoc's second cause of action advanced in counterclaim, filed. g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-3-75	Mot. of pltf. to dismiss first cause of action of counterclaim by defts. Hanson Dev. Co., Thornton Assocs. & Crosstown Assocs., filed. g	
3-3-75	Brief in support of mot. to dismiss first cause of action of counterclaim, filed. g	
3-3-75	MO: Ordered by Ct. that defts. are granted 10 days from this date to respond to pltf's mot. to dismiss first cause of counterclaim. (HDC-J)g	
3-6-75	MO: Case set for hearing on mo. of deft. Hanson for S/J & alternative mo/addition of party pltf. & pltf's mo/dismiss the first cause of action of counterclaim advanced by defts Hanson, Thornton & Crosstown on 3-27-75 at 3:00 P.M. (HDC-J)hm	
3-14-75	Defts' REPLY BRIEF to pltf's motion to dismiss first cause of action to counterclaim, filed. lm	
3-27-75	MTN. of Defts. B. Francis Saul, II and Garland J. Bloom, Jr., Trustees of the B.F. Saul Real Estate Inv. Trust, for Judgment on the Pleadings, filed. jj	
3-27-75	BRIEF in Support of above MOTION, filed. jj	
3-28-75	MO: Ordered by the Ct. that pltfs. are granted 10 days from this date to respond to deft's Mtn. for Judgment on the Pleadings. (HDC-J)jj	
3-27-75	MO: Case called for hearing on motions. Statements made. Additional authorities of the Hanson Devp. Co., filed in open court. Pltf. given 5 days to file reply brief. Court takes ruling under advisement on pltf's mo/dismiss first cause of action of counterclaim advanced by Hanson, Thornton & Crosstown; and mo. of deft. Hanson for S/J & alternative mo/addition of party pltf. (HDC-J)hm	
3-28-75	Additional authorities of Def. Hanson Development Co., filed. k	
4-1-75	Response of pltf. to addl. authorities of Hanson Devl., filed. rm	
4-7-75	Resp. of Pltf. to Mtn. for Defts., B. Francis Saul II and Garland J. Bloom, Jr., Trustees of the B.F. Saul Real Estate Inv. Trust for Judgment on the Pleadings, filed. jj	
4-8-75	Order denying deft. Hanson Devp. Co's motions for S/J and the addition of a party pltf., filed. (HDC-J)hm (copies mailed)	
4-8-75	Order, filed and entered, that complaint is dismissed as to defts., B. Francis Saul, II and Garland J. Bloom, Jr., Trustees, and judg. be entered as to said defts. dismissing action w/prej. (HDC-J)rm-copies md.	
4-16-75	Order, filed, overruling pltf.'s mo/dismiss first cause of action of counterclaim of defts., Hanson, Thornton & Crosstown; further granting pltf. 7 days from this date to reply to First cause of action of defts.' counterclaim. (HDC-J)rm - copies to counsel	
4-23-75	Reply of Pltf. to Defts' Hanson Dev. Co., Thornton Assc. & Crosstown Assc. 1st Cause of Action Advanced in their Counterclaim, filed. jj	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-25-75	Motion of Pltff. to Compel Production of Documents, filed. v	
4-25-75	Brief in support, filed. v	
4-25-75	MO: Ordered by the Court that Deft. is granted 10 days from this date to respond to the Mot. to Compel Production of Documents filed by Pltff. (HDC-J)v	
5-5-75	Deft's reply to pltff's motion to compel production of documents, filed. hm	
7-3-75	Order overruling mo/for production of documents, filed. (HDC-J)hm (copies mailed)	
7-16-75	Case set for PT hearing 8-27-75 at 9:30 a.m. (HDC-J)hm	
8-15-75	Pltff's Application for order extending time for pre-trial, filed. lm	
8-19-75	Order, filed, striking case from pretrial docket, to be reset by the Court. (HDC-J)g <i>Therley</i>	
10-8-75	MO: Case set for pre-trial hearing 11-10-75 at 9:30 a.m. (HDC-J)hm	
10-22	Applic. for order extending time for pre-trial, filed. hm	
10-28	Order, filed, striking PT.JJ copies mailed	
12-2	MO: Case set for PT hearing 1-9-76 at 1:30 p.m. (HDC-J)hm	
12-18	Mo of the deft. F. W. Woolworth Co. for judgment of dismissal upon the pleadings w/brief in support attached, filed. ph	
12-19	MO: It is ordered by the Court that the Pltff. file a responsive brief within 10 days to the motion of def. Woolworth for judg. of dismissal upon the pleadings. (HDC-J)rm - letter written	
12-26	Dismissal Without Prejudice of pltff, Fred Rizk as against F. W. Woolworth Company, filed. lm	
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1-6	Order dismissing F. W. Woolworth Co. without prejudice, filed and entered. (HDC-J)g cpies mld.	
1-9	Pre-trial hearing held. Statements made. Mo/dismiss counterclaim & cross comp. of deft. Woolworth and order granting same, filed in open court. Discovery to be complete within 90 days. Progress report to be filed within 60 days. Pltff. to prepare PT order within 110 days and case to be set for N/J trial at a later date. (HDC-J)hm	
1-9	Motion of F. W. Woolworth Co. to dismiss its counterclaim and cross claim, filed. hm	
1-9	Order dismissing counterclaim and cross claim of F. W. Woolworth Co. without prejudice, filed/and entered (HDC-J)hm (copies mailed)	
5-3	Motion of Hanson Development Co., Thornton Assoc. and Crosstown Asso. for enlargement of time to compl. accounting and discovery and to file proposed PT order, filed. ph <i>ph</i>	
5-3	Order granting Hanson Develop. Co, Thornton Assoc and Crosstown Asso. until 6-2-76 to complete discovery, complete accounting and to prepare proposed PT order. (HDC-J)ph cps mld.	

(cont.)

DATE	PROCEEDINGS	Date Order or Judgment Note
6-3-76	Motion for ext of time to complete accounting and discovery and to file proposed PT order by Hanson Dev. Co., Thornton Asso. & Cross-town Asso., filed. ph <i>oto g</i>	
6-3	Order, filed, granting Hanson Dev. Co., Thornton Asso. & Crosstown Asso. until 7-2-76 to complete discovery, to complete the accounting sought by pltf. and within which to prepare proposed form of PT Order. (HDC-J)ph cps mld	
7-2	Motion of Hanson Dev. Co., Thornton Asso., and Crosstown Asso. for ext. of time to complete accounting and discovery and to file proposed PT order, filed. ph	
7-2	Order, filed, that Hanson Dev. Co, Thornton Asso., and Crosstown Asso. are granted until 7-12-76 to complete discovery, to complete the accounting and to prepare proposed PT order. (HDC-J)ph cps mld	
7-12	Pretrial order, filed. ph cps mld	
9-13	MO: Case set for non-jury trial 1-5-77 at 9:30 a.m. (HDC-J)hm (notices mailed)	
12-28	MO: Case reset for N/J trial 1-6-77 at 10:00 a.m. (HDC-J)hm (parties notified by phone)	
1-6-77	MO: Case stricken from N/J trial of this date pending settlement. Parties to present stip. of dismissal w/order. (HDC-J)hm	
1-10	Stipulation for dismissal, filed. rm (O to J)	
1-10	Order, filed and entered, that pltf's action is dismissed with prejudice & that counterclaim & third party complaint of defts. & third party pltf's. is dismissed with prejudice & that each party shall bear their own costs. (HDC-J)hm (copiesmailed)	